

REMARKS

Applicant has studied the Office Action dated March 24, 2004. It is submitted that the application is in condition for allowance. Claims 1-9 are pending. Reconsideration and allowance of the pending claims in view of the following remarks is respectfully requested.

In the second paragraph on page 2 of the above-identified Office Action, claims 1 and 2 have been rejected as being anticipated by Blaser (U.S. Pat. No. 5,465,518) under 35 U.S.C. § 102 (b).

As will be explained below, it is believed that the claims were patentable over the cited art in their original form and, therefore, the claims have not been amended to overcome the references.

Before discussing the prior art in detail, it is believed that a brief review of the invention as claimed, would be helpful. Independent claim 1 recites, *inter alia*:

... at least one pivotable pendulum weight for avoiding an unintended firing of a shot, characterized in that the pendulum weight is arranged on the trigger in such a manner that it can pivot about a pivot axis, wherein the pivot axis is located, viewed in the direction of firing, in front of the trigger axis and that the center of gravity of the pendulum weight is located above the trigger axis. (emphasis added)

The Blaser reference discloses, as can clearly be seen in Figure 1, that the inertia-pendulum 19 is pivotally mounted on a pin 47 transversely extending through the frame or stock casing of the sporting or hunting arm as shown. In contrast to the present invention, as claimed in claim 1, pendulum 19 does not provide any connection or operational action on the trigger 24 of said firearm. There is neither a direct nor an indirect connection (via various elements) between the pendulum 19 and the trigger 24.

According to column 3, line 64 to column 4, line 10 of Blaser, inertia-pendulum 19 has a control edge 48 cooperating with an uncocking lever 49. The uncocking lever 49 is rotatably supported by a pin 50 and biased against the control edge by a spring 51. When the arm sustains a longitudinal shock, the pendulum 19 forces the rear end of the uncocking lever 49 in a downward direction, as shown in Figure 1. The rear end of the uncocking lever 49 rests on a recess 52 in the front end of a holding lever 40. The pendulum 19 acting on the uncocking lever 49 also urges the holding lever 40 in a downward direction and the holding bolt 38 leaves the notch 41. Hereby, the cocking arm 2 is urged back into the uncocked position to prevent firing of the arm. This means that the pendulum only cooperates with the unlocking lever 49, the holding lever 40 and the cocking arm 2 but **not with the trigger 24** as supposed by the Examiner.

There is also an essential functional difference between the inertia-pendulum 19 of Blaser and the pendulum weight according to the specification of the instant application.

By the inertial pendulum 19 of Blaser, the arm is switched to an uncorked state in case of a longitudinal shock, for example, if the arm falls down to the ground. The inertial pendulum 19 prevents the firing of a second shot unless the arm has been cocked again to get into an activated state.

In contrast thereto, by the pendulum weight of the present invention, a moment acting in the same direction is produced on the trigger that increases the force required for actuating the trigger, that is, the trigger resistance is increased. The greater the recoil or the rebound and therewith the acceleration of the pendulum weight, the greater the moment is acting on the trigger. This achieves a dynamic and calibration-neutral safety without blockage of the trigger or of other parts. Despite the high security, a second shot can be discharged very quickly without cocking the arm once more. (This may be important in case a lion or bear appears and you fail with your first shot).

Clearly, Blaser does not show a pendulum weight that is arranged on a trigger in such a manner that it can pivot about a pivot axis, wherein the pivot axis is located, viewed in the direction of firing, in front of the trigger axis and that the center of gravity of the

pendulum weight is located above the trigger axis, as recited in amended claim 1 of the instant application.

It is accordingly believed to be clear that Blaser neither shows nor suggests the features of claim 1. Claim 1 is, therefore, believed to be patentable over the art. Since dependent claims contain all the limitations of the independent claims, claim 2 distinguishes over Blaser as well, and the Examiner's rejection should be withdrawn.

CONCLUSION

The remaining cited references have been reviewed and are not believed to affect the patentability of the claims.

Applicant acknowledges the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record.

Applicant appreciatively acknowledges the Examiner's statement that claims 3-9 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims." In light of the above, applicants respectfully believe that rewriting of claims 3-9 is unnecessary at this time.

Applicant respectfully submits that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.


It is believed that no fee is due with this Amendment. However, if any fees are due with respect to Sections 1.16 or 1.17, please charge to the deposit account of the undersigned firm, Acct. No. 500601.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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